

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MIKHAIL VASILYEVICH KOLESNIK,

Petitioner,

V.

MERRICK GARLAND, et al.,

Respondent.

Case No. 2:24-cv-01603-TMC-TLF

ORDER FOR RETURN AND
STATUS REPORT, § 2241
PETITION

Petitioner has filed a habeas corpus petition under 28 U.S.C. § 2241 challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”). Having reviewed the petition, the Court **ORDERS**:

(1) If not previously accomplished, electronic posting of this Order and petitioner's § 2241 habeas corpus petition shall effectuate service upon the United States Attorney of the petition and all supporting documents. Service upon the United States Attorney is deemed to be service upon the named respondents.

(2) On or before **November 22, 2024**, respondent(s) shall file a return and status report (“RSR”) as provided in 28 U.S.C. § 2243, explaining why the Court should not grant petitioner’s habeas corpus petition. As a part of such return, respondent(s) shall submit a memorandum of authorities in support of their position and state whether an evidentiary hearing is necessary. As a part of such return, respondent(s) shall also address and submit evidence relevant to petitioner’s allegation that his detention is

1 unlawful because ICE is unable to effectuate his removal in the reasonably foreseeable
2 future. Respondent(s) shall file the return with the Clerk of the Court and shall serve a
3 copy upon Petitioner.

4 (3) In accordance with LCR 7(d), respondent(s) shall note their return for
5 consideration no earlier than 28 days after filing. Petitioner may file and serve a
6 response not later than 21 days after the filing date of the return, and respondent(s)
7 may file and serve a reply not later than 28 days after the filing date of the return.

8 (4) If petitioner's custody status changes at any point during this litigation,
9 **respondent(s) shall file a status update with the Court as soon as possible and no**
10 **later than 14 days after the change.**

11 (5) The Clerk shall send a copy of this Order to petitioner, the Federal Public
12 Defender, and the assigned District Judge.

14 Dated this 23rd day of October, 2024.

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18 Theresa L. Fricke
United States Magistrate Judge